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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,850	02/07/2005	Thomas John	3208	4407
7590	05/14/2009		EXAMINER	
Striker Striker & Stenby 103 East Neck Road Huntington, NY 11743			NGUYEN, PHONG H	
			ART UNIT	PAPER NUMBER
			3724	
			MAIL DATE	DELIVERY MODE
			05/14/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/523,850	JOHN ET AL.	
	Examiner	Art Unit	
	PHONG H. NGUYEN	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 February 2009.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 29-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 29-35 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 29-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Frederick (3,880,028).

Regarding claim 29, Frederick teaches a method for cutting a continuously moving glass sheet during production of flat glass with an inhomogeneous thickness distribution across the glass sheet, the method comprising the steps of:

- a) providing a moving glass sheet 12 that is continuously moving in a travel direction;
- b) moving a cutting tool 16 across the moving glass sheet at an angle (90 degrees) to the travel direction of the moving glass sheet so that the cutting tool traverses a plurality of positions on the glass sheet;
- c) during the moving of the cutting tool across the moving glass sheet over the positions on the glass sheet, applying a variable cutting force to the moving glass sheet with the cutting tool 16 so that a fissure 19 is formed in the glass sheet;

- d) measuring thickness of the glass;
- e) during the moving of the cutting tool across the glass sheet to form the fissure, adjusting the variable cutting force applied with the cutting tool to the moving glass sheet, wherein the cutting force is increased when the variable thickness increases and the cutting force is decreased when the variable thickness decreases;
- f) mechanically breaking the glass sheet along the fissure (by a snap roll 21);
- g) controlling different cutting forces applied by the cutting tool (by a controller 35).

See Figs. 1-2.

Regarding claim 30, a position sensor 30 for detecting the position of the cutting tool 16 across the glass sheet 12 is best seen in Figs. 1-2.

Regarding claim 31, applying appropriate cutting force (by the controller) to the glass sheet.

Regarding claim 32, a controller 35 is best seen in Figs. 1-2.

Regarding claim 33, a controller 35 determines different cutting forces on the glass sheet.

Regarding claim 34, Frederick teaches a method for cutting a continuously moving glass sheet during production of flat glass with an inhomogeneous thickness distribution across the glass sheet, the method comprising the steps of:

- a) providing a moving glass sheet 12 that is continuously moving in a travel direction;
- b) moving a cutting tool 16 across the moving glass sheet at an angle (90 degrees) to the travel direction of the moving glass sheet so that the cutting tool traverses a plurality of positions on the glass sheet;
- c) during the moving of the cutting tool 16 across the moving glass sheet 12 over the regions of the glass sheet, continuously measuring the glass sheet thickness;
- d) during the moving of the cutting tool 16 across the moving glass sheet 12 to form the fissure, applying variable cutting force;
- e) mechanically breaking the glass sheet along the fissure (by a snap roll 21); and
- f) controlling the variable cutting force applied by the cutting tool at points of contact so that variable cutting forces vary according to the thickness of the glass sheet.

See Figs. 1-2.

Regarding claim 35, a controller 35 for adjusting the cutting force is best seen in Figs. 1-2.

Response to Arguments

3. Applicant's arguments filed 02/24/2009 have been fully considered but they are not persuasive.

The Applicant argues that Fredrick does not teach glass sheet having an irregular thickness. This argument is not persuasive. It is well known in the art that the glass sheet has an irregular thickness as admitted the Applicant.

The Applicant argues that the sonic detector cannot measure the thickness. This argument is not persuasive. Col. 5, lines 5-10 teaches that the intensity of sound level depends on the thickness of the glass.

The Applicant argues that Fredrick does not teach applying different cutting forces on the glass sheet. This argument is not persuasive. Fedrick teaches applying different cutting force on the glass sheet in col. 3, lines 35-40.

The Applicant argues that Fedrick does not teach different thickness of the glass sheet being measured as the cutting tool moves across the glass sheet. This argument is not persuasive. Col. 4, lines, 28-55 teaches the sonic detector picking sound signal when the cutting tool moves across the glass sheet. Col. 5, lines 5-10 teaches the sound signal depends on the thickness of the glass sheet. Therefore, Fredrick teaches different thickness of the glass sheet being measured as the cutting tool moves across the glass sheet.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHONG H. NGUYEN whose telephone number is (571)272-4510. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/523,850
Art Unit: 3724

Page 7

/Timothy V Eley/
Primary Examiner, Art Unit 3724

/P. H. N./
Examiner, Art Unit 3724
May 8, 2009